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 2 **UNITED STATES DISTRICT COURT**
 3 **DISTRICT OF NEVADA**

4
 5 **ASPARA ROBINSON,**
 6 Plaintiff,

7 v.

8 **NELLIS AIR FORCE BASE,**
 9 Defendant.

10 Case No.: 2:22-cv-01983-JAD-NJK

11 **REPORT AND RECOMMENDATION**

12 [Docket No. 1]

13 Pending before the Court is Plaintiff's application to proceed *in forma pauperis*. Docket
 14 No. 1. The Court may authorize the commencement of an action without prepayment of fees and
 15 costs or security therefor, by a person who has shown that he is unable to pay such costs. 28 U.S.C.
 16 § 1915(a)(1). A determination of whether the plaintiff has shown an inability to pay is a matter
 17 left to the discretion of the Court. *See, e.g., Flores v. Colvin*, 2014 U.S. Dist. Lexis 93236, at *2
 18 (D. Nev. May 22, 2014). In exercising that discretion, the Court evaluates the income and assets
 19 to which the plaintiff has access. *See, e.g., id.* at *3-4. While an applicant need not be absolutely
 20 destitute to qualify for a waiver of costs and fees, he must demonstrate that he cannot pay those
 21 costs while still providing himself with the necessities of life. *Adkins v. E.I. DuPont de Nemours*
 22 & Co., 335 U.S. 331, 339 (1948).

23 In this case, Plaintiff's application indicates she has a gross wage of 1.2 million dollars and
 24 a take-home pay of one million dollars per month. Docket No. 1 at 1. Such a monthly wage is
 25 more than sufficient to allow Plaintiff to pre-pay this case's filing fee while still providing herself
 26 with the necessities of life.

27 Accordingly, the undersigned **RECOMMENDS** that Plaintiff's motion to proceed *in*
 28 *forma pauperis* be **DENIED** and that Plaintiff be required to pay the filing fee if Plaintiff wishes
 to proceed with this case.

Dated: November 30, 2022



Nancy J. Koppe
 United States Magistrate Judge

NOTICE

This report and recommendation is submitted to the United States District Judge assigned to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation must file a written objection supported by points and authorities within fourteen days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991).